

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF SOUTH CAROLINA
BEAUFORT DIVISION

David Lamont Brown,)	C/A No. 9:07-603-JFA-GCK
)	
Plaintiff,)	
v.)	ORDER
)	
Greenwood Judge Tunstall; Major Phillip C.)	
Anderson; Captain Sharon Middleton;)	
Lieutenant Linda Butler; Sheriff Chad Cox;)	
Sheriff Dan Wideman; and Greenwood County)	
Clerk of Court,)	
)	
Defendants.)	
)	

This matter is before the court for review of the Magistrate Judge's Report and Recommendation.¹ The *pro se* plaintiff, David Lamont Brown, is a detainee at the Greenwood County Detention Center. He brings this action pursuant to 42 U.S.C. § 1983 alleging denial of access to family court and seeks damages. The plaintiff contends that the defendants' failure to transport him to a family court hearing caused a bench warrant to be issued against him. Plaintiff also contends that he requested an appeal of his sentence with the Greenwood Clerk of Court, but the Clerk failed to reply.

¹ The Magistrate Judge's review is made in accordance with 28 U.S.C. § 636(b)(1)(B) and Local Civil Rule 73.02. The Magistrate Judge makes only a recommendation to this court. The recommendation has no presumptive weight, and the responsibility to make a final determination remains with the court. *Mathews v. Weber*, 423 U.S. 261 (1976). The court is charged with making a *de novo* determination of those portions of the Report and Recommendation to which specific objection is made, and the court may accept, reject, or modify, in whole or in part, the recommendation of the Magistrate Judge, or recommit the matter to the Magistrate Judge with instructions. *See* 28 U.S.C. § 636(b)(1).

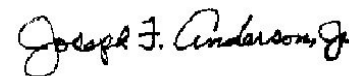
In a detailed Report and Recommendation, the Magistrate Judge suggests that the complaint against defendant Judge Tunstall is subject to dismissal because judges of the South Carolina unified judicial system have absolute immunity from claims arising out of their judicial actions. Likewise, the Magistrate Judge recommends that defendant Greenwood Clerk of Court also be dismissed because it retains absolute quasi-judicial immunity. As to the remaining defendants (Anderson, Middleton, Butler, Cox, and Wideman) , the Magistrate Judge recommends that service of process of the complaint be made as to them. Because the Magistrate Judge fairly and accurately summarizes the facts and standards of law in his Report, such will not be repeated herein.

The plaintiff was advised of his right to file objections to the Report and Recommendation, which was entered on the docket on March 21, 2007. However, he has not done so within the time limits prescribed by the federal rules.

After carefully reviewing the applicable law, the record in this case, and the Report and Recommendation, the court agrees with the Magistrate Judge's recommendation and incorporates the Report herein by reference.

Accordingly, defendants Greenwood Judge Tunstall and Greenwood County Clerk of Court are dismissed without prejudice and without issuance and service of process. The Clerk is directed to serve the remaining defendants.

IT IS SO ORDERED.



Joseph F. Anderson, Jr.
United States District Judge

May 3, 2007
Columbia, South Carolina